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FILED
U.S. DISTRICT COURT

2020 JAN 30 P 4: 38

SEALED
DISTRICT OF UTAH
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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES ALAN KOCH, JR,

Defendant.

INDICTMENT

Felony Count 1: 18 U.S.C. § 545
(Smuggling Goods into the United States)

Misdemeanor Count 2: 21 U.S.C. §
331(a) (Introduction of Misbranded Drugs
into Interstate Commerce)

Case: 2:20-cr-00049
Assigned To : Benson, Dee
Assign. Date : 1/30/2020
Description: USA v.

The Grand Jury charges:

Count 1
18 U.S.C. § 545
(Smuggling Goods into the United States)

From about 2014, and continuing until and around October 2019, in the Central Division
of the District of Utah and elsewhere,

JAMES ALAN KOCH, JR

defendant herein, did receive, buy, sell, and facilitate the sale of merchandise, to wit: the active
pharmaceutical ingredient Procaine, knowing the same to have been imported into the United
States contrary to 21 U.S.C. § 331(a) and 18 U.S.C. § 542, in that the merchandise was a
misbranded drug and was mismanifested as something other than Procaine, in violation of Title
18, United States Code, Section 545.

Count 2
21 U.S.C. § 331(a)
(Introduction of Misbranded Drugs into Interstate Commerce)

On or about January 18, 2020, in the Central Division of the District of Utah and elsewhere,

JAMES ALAN KOCH, JR

defendant herein, introduced, delivered for introduction, and caused the introduction and delivery for introduction into interstate commerce, drugs, as defined at Title 21, United States Code, Section 321(g), to wit: 3 sealed bottles of "GH-7 Dietary Supplement", all of which contained procaine, and which were misbranded in that:

- a. Their labeling was false and misleading, in that it was represented to be a dietary supplement (21 U.S.C. § 352(a));
- b. They were manufactured, prepared, propagated, compounded, and processed in an establishment not duly registered as a drug manufacturer with Food and Drug Administration (21 U.S.C. § 352(o));
- c. Their labeling failed to bear adequate directions for use (21 U.S.C. § 352(f)(1)); and
- d. They did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, including the street address, city and zip code. (21 U.S.C. § 352(b)(2) and 21 C.F.R. § 201.1(i)).

All in violation of 21 U.S.C. §§ 331(a) and 333(a)(1), and 18 U.S.C. § 2.

A TRUE BILL:

LSI
FOREPERSON OF THE GRAND JURY

JOHN W. HUBER
United States Attorney


JACOB J. STRAIN
ADAM S. ELGGREN
Assistant United States Attorney